

UNITED STATES DISTRICT COURT

for the
District of Oregon

In the Matter of the Search of

*(Briefly describe the property to be searched
or identify the person by name and address)*The person of Anthony Michael Deherrera, born
4/30/1986, FBI# 590154FC0, as further described in
Attachment ACase No. 3:24-mc-205

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property *(identify the person or describe the property to be searched and give its location)*:

The person of Anthony Michael Deherrera, born 4/30/1986, FBI# 590154FC0, as further described in Attachment A located in the _____ District of _____ Oregon _____, there is now concealed *(identify the person or describe the property to be seized)*:

The DNA information and items set forth in Attachment B

The basis for the search under Fed. R. Crim. P. 41(c) is *(check one or more)*:

- ☒ evidence of a crime;
☐ contraband, fruits of crime, or other items illegally possessed;
☐ property designed for use, intended for use, or used in committing a crime;
☐ a person to be arrested or a person who is unlawfully restrained.

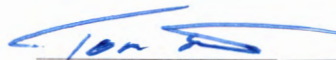
The search is related to a violation of:

Code Section
18 USC § 922(g)

Offense Description
Felon in Possession of a Firearm

The application is based on these facts:
See affidavit which is attached hereto and incorporated herein by this reference.

- ☒ Continued on the attached sheet.
☐ Delayed notice of _____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

*Applicant's signature*

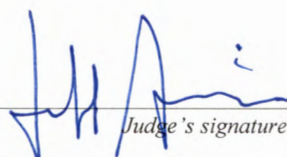
Beaverton PD Detective/ FBI TFO Thomas Stewart

Printed name and title

Sworn to me telephonically pursuant to FRCP 4.1.

Date: Feb. 27, 2024

City and state: Portland, Oregon

*Judge's signature*

Hon. Jeffrey Armistead United States Magistrate Judge

Printed name and title

DISTRICT OF OREGON, ss: AFFIDAVIT OF THOMAS STEWART

**Affidavit in Support of an Application
Under Rule 41 for a Search Warrant**

I, Thomas Stewart, being duly sworn, do hereby depose and state as follows:

Introduction and Agent Background

1. I am a Detective with the Beaverton Police Department and have been a Police Officer since October 2002. I am also a Task Force Officer (TFO) with the Federal Bureau of Investigation (FBI). My current TFO assignment is to the Portland, Oregon Field Office. As a TFO, I have been federally sworn and I have received Special Deputation by the FBI, pursuant to Title 21 and 28. My training includes completion of the Oregon Department of Public Safety and Standards Basic Police Academy (DPSST). I currently hold an advanced police certificate through DPSST. I have received additional training in the subject of firearm investigations. For the past thirteen years, I have been assigned as a Detective and I have worked a variety of State and Federal criminal investigations involving the possession of firearms by felons. As a TFO with the FBI, part of my duties and responsibilities include conducting criminal investigations for possible violations of federal firearms laws. I have also received training in the area of DNA. I have personally obtained several search warrants regarding the collection of DNA which was used to identify suspects in felony investigations.

2. I submit this affidavit in support of an application under Rule 41 of the Federal Rules of Criminal Procedure for a search warrant to collect DNA from Anthony Michael Deherrera, as described in Attachment A. As set forth below, I have probable cause to believe that Anthony Michael Deherrera's (hereafter referred to as **Deherrera**) DNA will assist in determining his role in the felon in possession offense being investigated, in violation of Title 18, United States Code, Section 922(g)(1).

3. This affidavit is intended to show only that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter. The facts set forth in this affidavit are based on my own personal knowledge, knowledge obtained from other individuals during my participation in this investigation, including other law enforcement officers, interviews of witnesses, a review of records related to this investigation, communications with others who have knowledge of the events and circumstances described herein, and information gained through my training and experience.

Applicable Law

4. 18 U.S.C. § 922(g)(1): It shall be unlawful for any person who has been convicted in any court of a crime punishable by imprisonment for a term exceeding one year to possess a firearm or ammunition that have been shipped or transported in interstate or foreign commerce.

Statement of Probable Cause

5. On Wednesday January 24, 2023, Scappoose Police Officer Steve Barnes was dispatched to a road rage incident involving a firearm and two vehicles. The victim reported that the suspect, later identified as **Deherrera**, was driving a white Subaru Legacy bearing Oregon license plate 702NBS on Highway 30 between Cornelius Pass Road and Rocky Point Road in Columbia County, Oregon, and was driving in an erratic manner. The victim reported that **Deherrera** pointed a black pistol at him with his right hand when **Deherrera** passed him on Highway 30.

6. Officer Barnes located **Deherrera** as **Deherrera** was parking the Subaru Legacy at 33420 SW Sycamore Street in Scappoose, Oregon. Officer Barnes stopped **Deherrera** and a female passenger who was already exiting the vehicle. Officer Barnes directed **Deherrera** to

exit the vehicle, which he did, and then Officer Barnes detained **Deherrera**. Prior to being detained, **Deherrera** locked the vehicle. Officer Barnes conducted a pat down of **Deherrera** but didn't find any weapons. Officer Barnes advised **Deherrera** of his Miranda rights. **Deherrera** told Officer Barnes he didn't understand his rights and refused to answer any questions. Officer Barnes noted in his report that **Deherrera** told him the vehicle wasn't his and refused to give consent to search it.

7. Officer Barnes learned **Deherrera** is a convicted felon and is currently on post-prison supervision. Officer Barnes contacted **Deherrera's** parole officer who issued a detainer for his arrest. **Deherrera** was arrested and lodged at the Columbia County Jail.

8. The Subaru Legacy was towed and placed into the secure towing lot for Drake's Towing. Prior to being towed, officers placed evidence tape on the vehicle.

9. Later in the day, Officer Barnes obtained a State of Oregon search warrant to search the Subaru Legacy and seize evidence related to firearms, ammunition and firearms accessories. During a search of the vehicle, Officer Barnes located and seized a black Ruger LCP-Z semiautomatic pistol which contained six rounds of ammunition. The pistol was located in the glovebox.

10. I conducted a computerized criminal history check (CCH) on Anthony Michael **Deherrera** and learned he is a convicted felon who has served more than one year in prison in the District of Oregon for several different felony convictions. The most recent felony conviction was in 2019 for Unlawful Possession of a Firearm, in which he received a sentence of 51 months imprisonment. In 2016, **Deherrera** was convicted of Burglary in the Second Degree, Supplying Contraband and Unauthorized use of a Motor Vehicle, in which he received sentences

ranging from 13 to 30 months imprisonment. In 2012, **Deherrera** was convicted of Unlawful Use of a Weapon and was sentenced to 24 months of imprisonment.

11. I have spoken with Bureau of Alcohol, Tobacco, and Firearms Special Agent (SA) Graham Bogumill, a specialist in the recognition and identification of firearms, ammunition, and their place of manufacture; he informed me that based on his training and experience, the aforementioned Ruger LCP-Z semiautomatic pistol recovered from the vehicle driven by **Deherrera** was not manufactured in the State of Oregon, and therefore, has traveled in interstate commerce to be possessed in Oregon. Since the firearm is in evidence at the Scappoose Police Department, SA Bogumill was not able to physically review it. Instead, I sent him photographs of the firearm that I took, which he used to make his determination.

12. Based on my training and experience, and in consultation with others in law enforcement, I am aware that DNA collected from **Deherrera** can be analyzed and compared to DNA sample collected from the Ruger LCP-Z semiautomatic pistol which was seized in this investigation. I am also aware that DNA is a unique identifier that will assist in establishing the role of **Deherrera** in the offenses under investigation. After receipt of the DNA sample that is sought by this search warrant, the Oregon State Police Laboratory will compare the DNA sample to the DNA recovered from examined evidence.

Conclusion

13. Based on the foregoing, I have probable cause to believe, and I do believe, that Anthony Michael Deherrera committed the offense of Felon in Possession of a Firearm, in violation of 18 U.S.C. § 922(g)(1). Furthermore, I have probable cause to believe, and I do believe that Anthony Michael Deherrera's DNA, which may be obtained by swabbing


the interior cheek in his mouth (a buccal swab), is evidence of the crime. I therefore request that the Court issue the proposed search warrant pursuant to Federal Rule of Criminal Procedure 41. I further request that the FBI and its designated agents be permitted to collect a DNA sample from Anthony Michael Deherrera pursuant to the warrant.

14. Anthony Michael Deherrera is currently incarcerated at the Columbia County Jail in Saint Helens, Oregon, which is where the search warrant will be executed.

15. Prior to being submitted to the Court, this affidavit, the accompanying application, and the requested search warrant were all reviewed by Assistant United States Attorney (AUSA) Nicole Bockelman, and AUSA Nicole Bockelman advised me that in her opinion the affidavit and application are legally and factually sufficient to establish probable cause to support the issuance of the requested warrant.

Thomas Stewart
TFO FBI / Beaverton PD

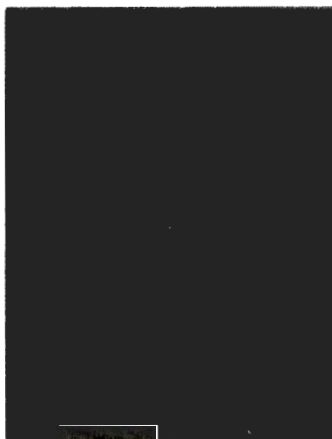
Sworn in accordance with the requirements of Fed. R. Crim. P. 4:1 by telephone at
a.m./p.m. on Feb. 27, 2024. *in person*


HONORABLE JEFFREY ARMISTEAD
United States Magistrate Judge

ATTACHMENT A

Place to Be Searched

This warrant applies to the DNA of Anthony Michael Deherrera (hereinafter “DEHERRERA”), described as a white male, born on April 30, 1986, assigned FBI Number 590154FC0 and Oregon driver’s license number 7131351. DEHERRERA’s Oregon driver’s license lists DEHERRERA as standing five feet and six inches tall (5’06”) and weighing 165. See the photograph of DEHERRERA below.



DEHERRERA is currently an inmate at the Columbia County Jail in Saint Helens, Oregon, which is where the warrant will be served.

ATTACHMENT B

Evidence to Be Seized

Four (4) oral swab cellular tissue samples collected from the cheek and/or gum surfaces in the mouth, in a medically approved manner by reasonable means, including force, if physical resistance is met, from Anthony Michael Deherrera, the person more fully described in Attachment A, for the purpose of comparison by the Federal Bureau of Investigation to any DNA material collected during the investigation of the felon in possession of a firearm offense in connection with the incident that occurred on January 24, 2023.